

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 10, 2006

**D047174      People v. Ramirez**

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D048193      Kandii H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Kandii H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D046936      In re Ahmed I., a Juvenile**

The judgment is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D046355      Paigah v. Board of Trustees of the California State University**

The judgment of dismissal is affirmed. Each party to bear its own costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

**D046848      Peoples v. San Diego Unified School District et al.**

The opinion filed March 23, 2006, is ordered certified for publication.

**D047966      In re Crenshaw on Habeas Corpus**

The petition is denied.

**D048094      In re Quintero on Habeas Corpus**

The petition is denied.

**D048314      S.G. a Minor etc., et al. v. Superior Court of San Diego County/Homonchuk et al.**

The petition is denied.

**D047953      Sacco v. Workers' Compensation Appeals Board and Bio Benisis Communications, Inc.**

The petition is denied.

**D047416      People v. Warriner**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 10, 2006 (Continued)

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke  
Clerk: D. Moore

**D047214      In re Marlan S., a Juvenile**

Cause called on merits. Richard P. Siref, Esq. argued for petitioner, Deanna D. Christopher R. Booth, Esq. argued for petitioner, Marlan S. Mary Mitchell, Deputy County Counsel argued for respondent. Mr. Siref replied. Mr. Booth replied. Cause submitted.

**D047210      Citizens for Better Rancho Santa Fe Schools et al. v. Rancho Santa Fe School District Board of Trustees**

Cause called on merits. Marco Gonzalez, Esq. argued for appellant. Carolyn Anne Hudson, Esq. argued for respondent, Rancho Santa Fe. Mr. Gonzalez replied. Cause submitted.

Court recessed at 10:15 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

**D046634      Sukumar v. Wise**

Cause called on merits. A. Kendall Wood, Esq. argued for appellant. Peter D. Lepiscopo, Esq. argued for respondent. Mr. Wood replied. Cause submitted.

Court recessed at 10:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke  
Clerk: D. Moore

**D045571      Wedbush et al. v. Pacific Bell Telephone Company et al.**

Cause called on merits. David A. Niddrie, Esq. argued for appellant. David J. Benner, Esq. argued for respondent, Pacific Bell. C. Larry Davis, Esq. argued for respondent, SDG&E. Mr. Niddrie replied. Cause submitted.

Court recessed at 2 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

April 10, 2006 (Continued)

**D046017      People v. Waldron**

Cause called on merits. Craig Joseph Leff, Esq. argued for appellant. Peter Quon, Jr., Deputy Attorney General argued for respondent. Mr. Leff replied. Cause submitted.

**D045845      People v. Tittle et al.**

Cause called on merits. Patrick J. Hennessey, Esq. argued for appellant, Tittle. Arthur Martin, Esq. argued for appellant, Downey. Christopher Beesley, Deputy Attorney General argued for respondent. Mr. Martin replied. Cause submitted.

**D045957      Sprint Technology PCS, L.P. v. County of San Diego et al.**

Cause called on merits. Daniel T. Pascucci, Esq. argued for appellant, Sprint Technology. Nathan Richard Hamler, Esq. was present in oral argument for appellant, Sprint Technology, but did not present an argument. Stephen R. Ledoux, Esq. argued for amicus appellant, T-Mobile USA. Tom Bunton, Deputy County Counsel argued for respondent. Ellen Pilsecker, Deputy County Counsel was present in oral argument, but did not argue. Mr. Pascucci replied. Cause submitted.

**CLOSED HEARING**

**D046077      People v. Verheggen**

Cause called on merits. Carl Fabian, Esq. argued for appellant. Christopher Beelsey, Deputy County Counsel argued for respondent. Mr. Fabian replied. Cause submitted.

Court recessed at 4:55 p.m. until Tuesday, April 11, 2006 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 11, 2006

**D047090      In re Tyson W. et.al., Juveniles**

The judgment terminating parental rights as to Tyson and Taylor is affirmed. The judgment terminating parental rights as to Justice is reversed and the juvenile court is directed to comply with the notice provisions of the ICWA. If, after proper notice and inquiry, a tribe does not intervene, the court shall reinstate the judgment. If a tribe intervenes, the court is ordered to conduct a new section 366.26 selection and implementation hearing in accordance with the ICWA. (See *In re Jonathan D.* (2001) 92 Cal.App4th 105, 111-112; *In re Glorianna K.* (2005) 125 Cal.App.4th 1443, 1452; *In re Jonathon S.* (2005) 129 Cal.App.4th 334, 343).

**D048077      Sprague v. Superior Court of San Diego County/Medical Board of California**

The petition is denied.

**D047814      In re Noel R., a Juvenile**

This matter has been considered by Justices Aaron, Benke, and Nares. On the court's own motion, the court takes judicial notice of the record and briefing in case number D047280. The notice of appeal in D047814 was not authorized by the appellant. The appeal is dismissed.

**D047035      People v. Azcueta**

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

**D045945      Sher et al. v. San Diegueno Hills Homeowners Association et al.**

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D048302      In re Daniel M. et al., Juveniles**

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment has been entered.

**D047852      K. Hovnanian Companies of California v. The Superior Court of San Diego County/Tseng et al.**

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion  
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

April 11, 2006 (Continued)

**D047661      Chambers v. Superior Court/San Diego Police Department-RPI**

Matter called on merits. Matthew Braner, Deputy Public Defender argued for petitioner. David Stotland, Deputy City Attorney argued for respondent. Mr. Braner replied. Matter submitted.

**D047218      Coffin et al. v. Department of Alcoholic Beverage Control of the State of California et al/Barona Tribal Gaming Authority-RPI**

Matter called on merits. Robert B. Coffin, Esq. argued for petitioner. Christopher A. Brewster, Deputy Attorney General argued for respondent, Jerry Jolly-Director of ABC. William R. Winship, Jr., Esq. argued for real party in interest, Barona Tribal Gaming Authority. Art Bunce, Esq. was present in oral argument with Mr. Winship, but did not argue. Mr. Coffin replied. Matter submitted.

Court recessed at 10:24 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

Clerk: D. Moore

**D045233      Miller v. Miller**

Cause called on merits. Stephen J. Dimeff, Esq. argued for respondent/cross-appellant. Judith E. Klein, Esq. argued for appellant/cross-respondent. Cause submitted.

**D046215      Prout v. Prout**

Cause called on merits. John Knoll, Esq. argued for respondent. William A. Milloy, Esq. argued for appellant. Cause submitted.

Court recessed at 2:04 p.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

**D046311      Friwat et al. v. Pack**

Cause called on merits. Gerald M. Shaw, Esq. argued for appellant. Ted R. Frame, Esq. argued for respondent. Mr. Shaw replied. Cause submitted.

Court recessed at 3 p.m. until Wednesday, April 12, 2006 at 9 a.m.

**D047338      In re Ayala on Habeas Corpus**

The judgment of contempt is annulled. The stay issued by this court on November 2, 2005, is vacated. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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April 12, 2006

**D048071      Andrea M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Andrea M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues. The case is dismissed.

**D048192      Jacquelyn M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Jacquelyn M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues. The case is dismissed.

**D048160      Jacqueline H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorneys for petitioners Jacqueline H. and Tomas H. have notified the court that petitions for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues. The case is dismissed.

**D048158      Markisha P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Markisha P. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues. The case is dismissed.

**D047590      In re Hannah B., a Juvenile**

The appeals are dismissed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

**D045592      Vasquez v. State of California**

The judgment is affirmed. The matter is remanded to the trial court for its entry of a new judgment in accordance with this opinion, and for its determination of the amount of an award to Vasquez for attorney fees on appeal. Vasquez is also entitled to costs on appeal. CERTIFIED FOR PUBLICATION McConnell P.J.; We Concur: Benke, J.; McDonald, J.

**D047395      People v. Patterson**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

**D048340      People v. Cramer**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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April 12, 2006 (Continued)

**D045560      Myers v. Myers**

The petition is denied.

**D048354      In re Thelma M., a Juvenile**

The notice of appeal has been reviewed by Justices Aaron, Benke, and Nares. The notice of appeal is untimely. The case is dismissed.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Joan Irion

Clerk: D. Moore

**D046436      Counts v. U. S. Financial L.P. et al.**

Cause called on merits. Christopher Seaman, Esq. argued for appellant. Robert Miller, Esq. argued for respondent. Cause submitted.

**D045154)      Buell-Wilson et al. v. Ford Motor Company et al.**

**D045579)      Buell-Wilson et al. v. Ford Motor Company et al.**

Cause called on merits. Theodore J. Boutrous, Jr., Esq. argued for appellant. Jerome B. Falk, Esq. argued for respondent. Mr. Boutrous replied. Cause submitted.

Court recessed at 10:35 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

Clerk: D. Moore

**D046439      Donner Management Company et al. v. Schaffer**

Cause called on merits. Robert Shaughnessy, Esq. argued for appellant. John A. Gladych, Esq. argued for respondent. Mr. Shaughnessy replied. Cause submitted.

**D046486      The Cadle Company v. Corrigan et al.**

Cause called on merits. Carl N. Marschall, Esq. argued for appellant. Craig Eugene Dwyer, Esq. argued for respondent, Corrigan. Christopher R. Mordy, Esq. argued for respondent, Pacific Beach Veterinary, Inc. Mr. Marschall replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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April 12, 2006 (Continued)

**D046431      Griffin et al. v. Fleetwood Enterprises Inc., et al.**

Cause called on merits. Eric Howard Gibbs, Esq. argued for appellant. Robert Joseph Gralewski, Esq. was present in oral argument with Mr. Gibbs, but did not argue. Scott M. Bonesteel, Esq. argued for respondent. Mr. Gibbs replied. Cause submitted.

Court recessed at 2:48 p.m. until Thursday, April 13, 2006 at 9 a.m.

**D045841      People v. Roquemore**

The petition is denied.

**D047138      In re Megan M. et al., Juveniles**

The petition for rehearing is denied.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D046173      Mills et al. v. Webber et al.**

The order appealed from is affirmed. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D047690      In re Travis W., a Juvenile**

The judgment is affirmed. Nares, J. We Concur: Benke, Acting P.J., McDonald, J.

**D047917      P. G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D046704      People v. Hedgecock**

The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron  
Clerk: D. Moore

**D046158      Albrecht v. Bassford**

Cause called on merits. No appearance by Attorney Ravreby. John Knoll, Esq. was present in oral argument for respondent, and submitted on the briefs. Cause submitted.

Court recessed at 9:10 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

**D046728      County of San Diego v. Grossmont-Cuyamaca Community College District**

Cause called on merits. C. Ellen Pilsecker, Deputy County Counsel argued for appellant. Kevin P. Sullivan, Esq. argued for respondent. Cause submitted.

Court recessed at 9:40 a.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

**D045933      Flower v. Pep Boys**

Cause called on merits. Marianne Flower, argued for appellant in pro per. Lisa Cooney, Esq. argued for respondent. Ms. Flower replied. Cause to be submitted in 10-days.

Court recessed at 10:15 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 13, 2006 (Continued)

**D047474      In re Sarah L., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D046478      Nelson et al v. Gray Systems Inc., et al.**

The judgment is reversed to the extent it awards attorney fees to Defendants. In all other respects, the judgment is affirmed. Plaintiffs shall recover their costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D045751      Kuperman v. Assessment Appeals Board No. 1 San Diego County/Smith**

The petition is denied.

**D047280      In re Noel R., a Juvenile**

The order is affirmed. McIntyre, J., We Concur: Huffman, Acting, P.J., Irion, J.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion  
Clerk: D. Moore

**D046360      Banker's Hill v. City of San Diego/Mi Arbolito et al.**

Cause called on merits. Jared P. Hanson, Esq. argued for appellant. Joe B. Cordileone, Deputy City Attorney argued for respondent. Monty A. McIntyre, Esq. argued for respondent, Mi Arbolito. Scott Williams, Esq. was present in oral argument with Mr. McIntyre, but did not argue. Mr. Hanson replied. Cause submitted.

Court recessed at 2 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

**D046925      People v. Williams**

Cause called on merits. Jaime L. Popper, Esq. argued for appellant. Casey Pfahl, Certified Law Student argued for respondent. Ms. Popper replied. Cause submitted.

**D046125      Heinz v. Sommer**

Cause called on merits. Ervin Sommer, argued for appellant in pro per. Gregory Y. Lievers, Esq. argued for respondent. Mr. Sommer replied. Cause submitted.

Court recessed at 3 p.m. until Friday, April 14, 2006 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
April 13, 2006 (Continued)

**D046311      Friwat et al. v. Pack**

Affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D045818      Friwat et al. v. Koo et al.**

Affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D048401      San Diego Municipal Employees Association et al. v. The Superior Court of  
San Diego County/City of San Diego**

The petition is denied.

**D047961      Arthur et al. v. The Superior Court of San Diego County/Augusta**

The petition is denied.

**D047959      The Rossbacher Firm v. Superior Court of San Diego County/Augusta**

The petition is denied.

**D047983      In re Jackson on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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April 14, 2006

**D044895      Huff v. Wilkins et al.**

The judgment is reversed and the matter is remanded to the trial court for further proceedings in accordance with this opinion. Huff is entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D047100      People v. Robledo-Reyes**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J. Aaron, J.

**D045953      Roberts Cottages Association v. Chapin et al.**

It is ordered that the opinion filed on March 20, 2006, is modified. The petition for rehearing is denied.

**D047697      Borrego Water District et al. v. AES Corporation et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed as to respondents Mirant Americas Energy Marketing, LP, Mirant Delta, LLC and Mirant Potrero, LLC only and the remittitur is ordered to issue immediately.

**D046471      Washington v. Trustees of the California State University and Colleges**

The judgment is affirmed. CSU is entitled to costs on appeal. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

**D045271      People v. Dye**

The not true findings as to the second prior serious felony conviction and second strike allegation are reversed, the trial court is directed to make true findings and the matter is remanded for resentencing. In all other respects, the judgment is affirmed. McIntyre, Acting P.J.; We Concur: Aaron J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke.

Clerk: Brandon Henson

**D046335      In re Brooke N. et al., Juveniles**

Cause called on merits. Richard Pfeiffer, Esq. argued for appellant Richard N. Valerie Lankford, Esq. argued for appellants Brooke N., et al. Gary Seiser, Senior Deputy Counsel, argued for respondent. Robert W. Gehring, Esq. argued for minor. Mr. Pfeiffer replied. Ms. Lankford replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 14, 2006 (Continued)

**D046199      Crane Development Corporation v. Ketcham Forest Products Inc., et al.**

Cause called on merits. Paul Crane, Esq. argued for appellant. Eric P. Blank, Esq. argued for respondents. Mr. Crane replied. Cause submitted.

Court recessed at 10:13 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron.

**D045407      Silva v. SCM Group USA Inc., et al.**

Cause called on merits. Anthony E. Kalikas, Esq. argued for appellant. James Meadows, Esq. argued for respondents. Mr. Kalikas replied. Cause submitted.

Court recessed at 10:57 a.m.

**D045571      Wedbush et al. v. Pacific Bell Telephone Company et al.**

Judgment affirmed. Respondents to recover their costs on appeal. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

**D045588      County of San Diego et al. v. Vista Unified School District et al.**

We reverse the judgment denying County's petition for writ of mandate and City's First Cause of Action for petition for writ of mandate, and remand the matter to the trial court with directions to grant the petitions for a peremptory writ of mandate vacating VUSD's approval of the Project and specifying what actions by VUSD are necessary to comply with CEQA as stated in this opinion. We also reverse the judgment on City's Second Cause of Action and remand for further proceedings on that claim. The trial court shall retain jurisdiction in this matter to order other remedies, if appropriate. Each party shall bear its own costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D046599      Tracy v. Global Offshore International, LTD et al.**

The petition for rehearing is denied.

**D046017      People v. Waldron**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.